

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: CLARENCE O'NEAL LEVERETTE, SR.

CHAPTER 13

DEBTOR

BANKRUPTCY NO. 11-51548

ADVERSARY NO. 12-05005

ANSWER AND AFFIRMATIVE DEFENSES

Community Bank responds to Debtor's Adversary Proceeding Against Community Bank for an Order Requiring Turnover or Property or Alternatively for Contempt and, in support thereof, would show unto the Court the following:

I. AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim for which relief can be granted.
2. The complaint is waived because the automatic stay has been lifted. The claims made in the complaint could have and should have been brought prior to the Court's ruling lifting the automatic stay.
3. The tractor for which debtor sought a turnover order was not necessary to an effective reorganization as debtor never presented a valid plan of reorganization.
4. The complaint is barred by estoppel.
5. The complaint is barred by laches.
6. The complaint is barred by release.
7. The complaint is barred by res judicata.
8. The complaint is barred by the statute of frauds and/or the statute of limitations.

II. ANSWER

Without waiving any of its affirmative defenses, Community Bank would answer as

follows:

1. Community Bank denies the allegations set forth in in Paragraph 1.
2. Community Bank denies the paragraph beginning “WHEREFORE, PREMISES CONSIDERED.”

WHEREFORE PREMISES CONSIDERED, Community Bank denies all claims alleged against it and requests that the Court enter an order dismissing Debtor’s adversary proceeding against Community Bank and grant such other relief as is necessary under the circumstances.

Respectfully submitted,
COMMUNITY BANK

BY: /s Stephen E. Gardner
Stephen E. Gardner, Its Attorney

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CERTIFICATE OF SERVICE

I, Stephen E. Gardner, certify that on this day, I electronically filed the foregoing Objection to Confirmation with the Clerk of the Court and served a copy of the foregoing document electronically to ECF participants and via United States mail upon non-ECF participants requesting copies of pleadings at the address of record.

This, the 27th day of March, 2012.

/s Stephen E. Gardner
Stephen E. Gardner